

STATE OF SOUTH CAROLINA

(Caption of Case)

dPi Teleconnect, LLC, Complainant/Petitioner v.  
BellSouth Telecommunications, Incorporated d/b/a  
AT&T South Carolina, Defendant/Respondent

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

COVER SHEET

DOCKET  
NUMBER: 2005 - 358 - C

(Please type or print)

Submitted by: Patrick W. Turner

SC Bar Number: 6566

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Fax: 803-254-1731

Other:

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ Emergency Relief demanded in petition

☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other:

INDUSTRY (Check one)

- ☐ Electric  
☐ Electric/Gas  
☐ Electric/Telecommunications  
☐ Electric/Water  
☐ Electric/Water/Telecom.  
☐ Electric/Water/Sewer  
☐ Gas  
☐ Railroad  
☐ Sewer  
☒ Telecommunications  
☐ Transportation  
☐ Water  
☐ Water/Sewer  
☐ Administrative Matter  
☐ Other:

NATURE OF ACTION (Check all that apply)

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Affidavit                 | <input checked="" type="checkbox"/> Letter                 | <input checked="" type="checkbox"/> Request        |
| <input type="checkbox"/> Agreement                 | <input type="checkbox"/> Memorandum                        | <input type="checkbox"/> Request for Certification |
| <input type="checkbox"/> Answer                    | <input type="checkbox"/> Motion                            | <input type="checkbox"/> Request for Investigation |
| <input type="checkbox"/> Appellate Review          | <input type="checkbox"/> Objection                         | <input type="checkbox"/> Resale Agreement          |
| <input type="checkbox"/> Application               | <input type="checkbox"/> Petition                          | <input type="checkbox"/> Resale Amendment          |
| <input type="checkbox"/> Brief                     | <input type="checkbox"/> Petition for Reconsideration      | <input type="checkbox"/> Reservation Letter        |
| <input checked="" type="checkbox"/> Certificate    | <input type="checkbox"/> Petition for Rulemaking           | <input type="checkbox"/> Response                  |
| <input type="checkbox"/> Comments                  | <input type="checkbox"/> Petition for Rule to Show Cause   | <input type="checkbox"/> Response to Discovery     |
| <input type="checkbox"/> Complaint                 | <input type="checkbox"/> Petition to Intervene             | <input type="checkbox"/> Return to Petition        |
| <input type="checkbox"/> Consent Order             | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation               |
| <input checked="" type="checkbox"/> Discovery      | <input type="checkbox"/> Prefiled Testimony                | <input type="checkbox"/> Subpoena                  |
| <input type="checkbox"/> Exhibit                   | <input type="checkbox"/> Promotion                         | <input type="checkbox"/> Tariff                    |
| <input type="checkbox"/> Expedited Consideration   | <input type="checkbox"/> Proposed Order                    | <input type="checkbox"/> Other:                    |
| <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest                           |  |
| <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit             |  |
| <input type="checkbox"/> Late-Filed Exhibit        | <input type="checkbox"/> Report                            |  |

Print Form

Reset Form



**Patrick W. Turner**  
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January 9, 2008

The Honorable Charles Terreni  
Chief Clerk of the Commission  
Public Service Commission of South Carolina  
Post Office Drawer 11649  
Columbia, South Carolina 29211

Re: dPi Teleconnect, LLC, Complainant/Petitioner v. BellSouth Telecommunications,  
Incorporated, Defendant/Respondent  
Docket No.: 2005-358-C

Dear Mr. Terreni:

Please find enclosed BellSouth Telecommunications, Inc.'s d/b/a AT&T South Carolina First Data Requests to dPi Teleconnect, LLC. in the above-referenced matter.

By copy of this letter, I am serving all parties of record with these Requests as reflected by the attached Certificate of Service.

Sincerely,

Patrick W. Turner

PWT/nml  
Enclosure  
cc: All Parties of Record  
DM5 #700817

**THIS DOCUMENT IS AN EXACT DUPLICATE OF THE E-FILED COPY SUBMITTED TO THE COMMISSION IN ACCORDANCE WITH ITS ELECTRONIC FILING INSTRUCTIONS.**



Proud Sponsor of the U.S. Olympic Team

**BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

In re: dPi Teleconnect, L.L.C.,	)	
Complainant/Petitioner	)	
v.	)	Docket No. 2005-358-C
	)	
BellSouth Telecommunications, Inc.,	)	
Defendant/Respondent.	)	Filed: January 9, 2008
_____	)	

**AT&T SOUTH CAROLINA’S FIRST DATA REQUESTS**

Pursuant to S.C. Code Ann. Regs. 103-833, BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina (“AT&T South Carolina”) hereby requests that dPi Teleconnect, L.L.C. ( “dPi”) furnish responses to the following First Data Requests numbered 1 – 51 by January 29, 2008.

**INSTRUCTIONS**

(a) If any response required by way of answer to these Requests is considered to contain confidential or protected information, please furnish this information subject to the executed protective agreement.

(b) If any response required by way of answer to these Requests is withheld under a claim of privilege, please identify the privilege asserted and describe the basis for such assertion. If any document is withheld under a claim of privilege, please furnish a list of each document for which the privilege is claimed, reflecting the name and address of the person who prepared the document, the date the document was prepared, each person who was sent a copy of the document, each person who has viewed or who has had custody of a copy of the document, and a statement of the basis on which the privilege was claimed.

(c) These Requests are to be answered with reference to all information in your possession, custody or control or reasonably available to you.

(d) If a Request cannot be responded to in full, answer to the extent possible and specify the reason for your inability to respond fully. If you object to any part of a Request, answer all parts of the Request to which you do not object, and as to each part to which you object, separately set forth the specific basis for the objection.

(e) These Requests are continuing in nature and require supplemental responses should information unknown to you at the time you serve your responses to these Interrogatories subsequently become known or should your initial response be incorrect or untrue.

#### **DEFINITIONS**

(a) “dPi” means dPi Teleconnect, L.L.C., any predecessors in interest, its parents, subsidiaries, and affiliates, its present and former officers, employees, agents, directors, and all other persons acting or purporting to act on behalf of dPi.

(b) “AT&T South Carolina” means BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina.

(c) “You” and “your” refer to dPi.

(d) “Person” means any natural person, corporation, corporate division, partnership, other unincorporated association, trust, government agency, or entity.

(e) “And” and “or” shall be construed both conjunctively and disjunctively, and each shall include the other whenever such construction will serve to bring within the scope of these Interrogatories information that would not otherwise be brought within their scope.

(f) The term “document” shall have the broadest possible meaning under applicable law. “Document” means every writing or record of every type and description that is in the possession, custody or control of dPi, including, but not limited to, correspondence, memoranda, workpapers, summaries, stenographic or handwritten notes, studies, publications, books, pamphlets, reports, surveys, minutes or statistical compilations, computer and other electronic records or tapes or printouts, including, but not limited to, electronic mail (“Email”) files, and copies of such writings or records containing any commentary or notation whatsoever that does not appear in the original. The term “document” further includes, by way of illustration and not limitation, schedules, progress schedules, time logs, drawings, computer disks, charts, projections, time tables, summaries of other documents, minutes, surveys, work sheets, drawings, comparisons, evaluations, laboratory and testing reports, telephone call records, personal diaries, calendars, personal notebooks, personal reading files, transcripts, witness statements and indices.

(g) The phrases “refer to” and “relate to” mean consisting of, containing, mentioning, suggesting, reflecting, concerning, regarding, summarizing, analyzing, discussing, involving, dealing with, emanating from, directed at, pertaining to in any way, or in any way logically or factually connected or associated with the matter discussed.

## **DATA REQUESTS**

1. What rate(s) does dPi charge its residential end users in South Carolina for basic local service?
  
  
  
  
  
  
  
  
  
  
2. Describe the processes that dPi, Lost Key or any third party acting on behalf of dPi utilizes to ensure that its requests for promotional credit comply with the requirements of the respective promotion.
  - a) Does dPi have any role in this process?
  
  
  
  - b) Is this process performed entirely by Lost Key?
  
  
  
  - c) If you answered Interrogatory 2(a) affirmatively, describe dPi's role in this process.
  
  
  
  
  
  
  
  
  
  
3. When a dPi end user orders basic local service, does dPi have a routine practice of placing on the end user's line blocks on call return, repeat dialing and/or call tracing (hereinafter "call blocks")?
  
  
  
  
  
  
  
  
  
  
4. When a dPi customer orders basic local service, does dPi place blocks on call return, repeat dialing and/or call tracing:
  - a) in every case?
  
  
  
  - b) In some cases?

5. If you answered Interrogatory No. 4 by stating that dPi places blocks on end users lines in some cases or that dPi generally places blocks on the lines of end users who order basic local service, identify every circumstance under which dPi does not place blocks on the lines of its end users who order basic local service.
6. Of the LCCW promotional requests at issue in this proceeding, did dPi submit any requests that included call blocking placed in response to an affirmative request by a dPi end user for the placement of these blocks?
7. If you answered Interrogatory No. 6 affirmatively, how many credit requests were based on dPi end user lines/accounts that had block(s) which were placed in response to an affirmative request by the dPi end user for the block(s)?
8. When dPi places call blocks on an end user's line does it specifically and expressly inform the end user that it is doing so?
  - a) at the time the end user initially orders service?
  - b) at any time?
9. If you answered Interrogatory No. 8 affirmatively, please describe every communication from dPi to its end users that specifically informs the end user of dPi's practices of placing blocks on end users lines, including, but not limited to the following: print advertisements, advertisements in other media, information on dPi's website (or any other website through which dPi's service can be ordered), scripts utilized by representatives of dPi who receive customer service orders.

10. Please provide copies of all materials identified in response to data request number 9.
11. Of the requests for credit under the line connection charge waiver promotion ("LCCW") that dPi submitted to AT&T in South Carolina, and which AT&T denied, did any have added to the end users service, anything other than call blocking (e.g., call return, call tracing)?
12. If you answered Interrogatory No. 11 in the affirmative, were these features added at:
  - a) The end users request in any instances?
  - b) The end users request in all instances?
13. If you responded to Interrogatory No. 12 by stating that these features were added at customer's requests in some, but not all instances, then
  - a) in how many instances did the end user request these features?
  - b) In how many instances did dPi add these features without a request to do so from the end user?
14. Does dPi offer its users the ability to subscribe to call return?
  - a) If yes, at what rate?
15. Does dPi offer its end users the ability to subscribe to call tracing



a) If yes, at what rate?

16. Does dPi offer its end users the ability to subscribe to repeat dialing

a) If yes, at what rate?

17. In general, when dPi receives a promotional discount on wholesale services purchased from AT&T, does it pass this discount on to its end users?

18. If you answered data request number 17 in the affirmative, explain the process by which dPi passes these promotional discounts on to its end users.

19. If a dPi customer qualifies for the Line Connection Charge Waiver promotion, and dPi receives a promotional discount, does dPi pass any portion of the discount on to its end user?

a) if you answered “yes,” what is the amount passed on to the dPi end user?

b) if you answered “yes,” how is the discount passed on to the end user?

20. Has dPi submitted any credit requests to AT&T in South Carolina for promotional discounts pursuant to the Line Connection Charge Waiver Promotion that AT&T has sustained (i.e., that AT&T has paid to dPi)?

21. If you answered data request number 20 in the affirmative, did dPi pass the promotional discount on to its end users?
22. If you answered data request number 21 in the affirmative, please provide all documents that demonstrate that dPi passed the promotional discount on to its end users.
23. Has dPi submitted requests for promotional credit under the line connection charge waiver in which the customer's line has only one block, and no other additional blocks or features?
24. Does dPi contend that every LCCW promotional credit request that it submitted to AT&T South Carolina was based on an order of basic local service and 2 or more features of any sort, which were ordered/added by the end user?
25. If you answered data request number 24 in the affirmative, identify every action by the end user that constituted the ordering of features.
26. Does dPi contend that every LCCW promotional credit request that it submitted to AT&T South Carolina was based on an order of basic local service and 2 or more call blocks, which were ordered/added by the end user?

27. If you answered data request number 26 in the affirmative, identify every action by the end user that constituted the ordering of call blocks?
28. Does dPi contend that when an end user orders basic local service, the end user is also necessarily ordering call blocking?
29. Do you contend that every end user that “orders” call blocking by ordering basic local service is actually aware . . .
- a) of the existence of call blocks?
  - b) that call blocks will be placed by dPi on his/her line(s)?
30. If you answered data request number 29(a) in the affirmative, please explain the basis of your answer.
31. If you answered data request number 29(b) in the affirmative, please explain the basis of your answer.
32. Identify every affirmative action in the ordering process by which the dPi end user specifically orders call blocking, i.e., apart from ordering basic local service.

33. Does dPi have any records, documents or files, including electronically stored information, that identifies blocks and/or features that are ordered by dPi's end users, as opposed to blocks or features added by dPi without a request from the end user?
34. If you answered Interrogatory No. 33 in the affirmative, please produce all such documents.
35. Does dPi own any telecommunications facilities in the state of South Carolina?
- a) if "yes," identify all such facilities.
36. Does dPi own any telecommunications facilities anywhere.
- a) if "yes," identify all such facilities.
37. Does dPi serve any customers in the state of South Carolina other than residential customers?
38. In the State of South Carolina, does dPi provide only pre-paid telecommunications services?
- a) please explain.

39. Does dPi resell AT&T services pursuant to the Resale provisions of the Interconnection Agreement between the parties?
40. Does dPi place call return blocking on the line of every end user that does not subscribe to call return?
41. Does dPi place repeat dialing blocking on the line of every end user that does not subscribe to repeat dialing?
42. Does dPi place call tracing blocking on the line of every end user that does not subscribe to call tracing?
43. When purchasing services for resale, does dPi pay AT&T any amount for call blocking on the lines of its end user?
44. If you answered data request number 41 in the affirmative, state the amount that dPi contends it pays to AT&T for each call block?
45. When dPi obtains basic local service from AT&T for resale, does it pay for this service?

a) how much?

46. When dPi orders from AT&T South Carolina basic local service plus call blocks, does it pay AT&T any additional amount for the call blocks, i.e., in addition to what it pays for basic local service?
47. If you answered interrogatory number 46 in the affirmative, what is the additional amount?
48. Does dPi charge its end users for call blocking?
49. Please produce any and all documents which dPi reviewed, relied upon, which support, evidence, pertain, or are otherwise related to dPi's responses to these data requests.
50. Please produce a copy of the contract between dPi and Lost Key by which Lost Key became dPi's agent for the purpose of submitting requests for promotional credits.
51. Please produce all documents identified in response to any of these data requests.

**AFFIDAVIT**

STATE OF \_\_\_\_\_ )

COUNTY OF \_\_\_\_\_ )

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2008, before me an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared \_\_\_\_\_(name), who is personally known to me, who acknowledged before me that he/she is the \_\_\_\_\_(title) of dPi Teleconnect, L.L.C., a \_\_\_\_\_(place of incorporation) corporation, and who further acknowledged before me that he/she provided the answers to Data Request number(s) 1-51 from BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina to dPi Teleconnect, L.L.C. in Docket No. 2005-358-C on behalf of dPi Teleconnect, L.L.C., and that the responses are true and correct based on his/her personal knowledge.

In Witness Whereof, I have hereunto set my hand and seal in the State and County aforesaid as of this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Notary Public  
State of South Carolina, at Large

My Commission Expires:

\_\_\_\_\_

Respectfully submitted this 9<sup>th</sup> day of January, 2008.

AT&T SOUTH CAROLINA



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PATRICK W. TURNER

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J. PHILLIP CARVER

AT&T Southeast

675 West Peachtree Street, Suite 4300

Atlanta, Georgia

(404) 335-0710

700695



# CERTIFICATE OF SERVICE

The undersigned, Nyla M. Laney, hereby certifies that she is employed by the Legal Department for AT&T South Carolina (“AT&T”) and that she has caused AT&T South Carolina’s First Data Requests to dPi Teleconnect, LLC (“dPi”) in Docket No. 2005-358-C to be served upon the following on January 9, 2008.

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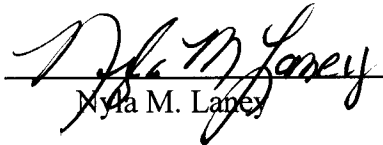
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Nyla M. Laney

DMS # 610276